

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ORIYON ABRAHA,

Plaintiff,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. C06-379Z

ORDER

THIS MATTER comes before the Court on plaintiff's motion for reconsideration concerning summary judgment previously granted in favor of the City of Seattle, on defendant Matt Hyra's motion for summary judgment, and on defendants Does 1-50's motion to dismiss. Having considered the papers filed in support of defendants Hyra's and Does' respective motions and the absence of response thereto, as well as the responses filed by the City of Seattle and plaintiff's former attorney Paul Richmond, the Court hereby ORDERS:

- (1) Plaintiff's motion for reconsideration, docket no. 76, is DENIED;
- (2) Defendant Hyra's motion for summary judgment, docket no. 68, is GRANTED;
- (3) Defendants Does' motion to dismiss, docket no. 70, is GRANTED;

1 (4) The Clerk is directed to enter JUDGMENT in favor of the City of Seattle and
2 Matt Hyra, and to send a copy of this Order to all counsel of record and to
3 plaintiff pro se.

4 **Background**

5 By Order dated November 30, 2007, the Court granted summary judgment in favor of
6 the City of Seattle due to plaintiff's failure to respond to the requests for admissions served
7 by the City of Seattle and his failure to respond to the City of Seattle's motion for summary
8 judgment. See docket no. 75. Plaintiff subsequently filed a one-page letter asking for "an
9 extension on [his] case against the City of Seattle." See docket no. 76. The Court liberally
10 construed plaintiff's letter as moving for reconsideration of the Court's earlier order. The
11 Court also renoted the pending motions filed by Matt Hyra and Does 1-50, and directed
12 plaintiff to obtain new counsel, if he so desired, by January 4, 2008, and to respond to the
13 pending motions by January 18, 2008. Minute Order (docket no. 77). The Court warned
14 plaintiff that failure to timely respond to the pending motions would be considered an
15 admission that the motions have merit and that this case should be dismissed with prejudice.
16 Id.; see also Local Rule CR 7(b)(2).

17 On January 2, 2008, plaintiff filed a one-page letter accusing his former counsel of
18 violating "the lawyer-client agreement by passing a reasonable settlement" and of failing to
19 respond to his correspondence. See docket no. 78. Plaintiff's former attorney Paul
20 Richmond submitted a response and declaration, indicating that one of the reasons for his
21 withdrawal from this case was plaintiff's refusal to state an acceptable settlement amount;
22 Mr. Richmond also provided evidence that the letter to which he allegedly failed to reply was
23 actually sent after plaintiff made the accusation. See docket no. 83. On January 4, 2008,
24 plaintiff submitted a hand-written note, stating "I wase her [sic] to represent myself." See
25 docket no. 80. The Court construed this filing as a notice of intent to proceed pro se. On
26 January 11, 2008, pursuant to the Court's order, the City of Seattle filed a response to

1 plaintiff's motion for reconsideration. Plaintiff has filed no reply thereto and has filed no
2 response to defendant Hyra's motion for summary judgment or to defendants Does' motion
3 to dismiss.

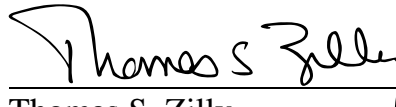
4 **Discussion**

5 Having failed to respond to defendant Hyra's requests for admissions, plaintiff is
6 deemed to have admitted the matters set forth therein. Fed. R. Civ. P. 36(a)(3). Having
7 failed to file any response to defendant Hyra's motion for summary judgment or to
8 defendants Does' motion to dismiss, plaintiff is deemed to have admitted the merits thereof.
9 Local Rule CR 7(b)(2). Accordingly, the Court GRANTS defendant Hyra's motion for
10 summary judgment and defendants Does' motion to dismiss. Plaintiff's claims against Matt
11 Hyra and Does 1-50 are hereby DISMISSED with prejudice.

12 In light of plaintiff's persistent failure to respond to discovery requests, to conduct
13 discovery, or to file briefs in support of his claims, the Court DENIES plaintiff's motion for
14 reconsideration of the order granting summary judgment in favor of the City of Seattle. The
15 Clerk shall enter judgment forthwith in favor of the City of Seattle and Matt Hyra.

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17 IT IS SO ORDERED.

18 DATED this 4th day of February, 2008.

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21 Thomas S. Zilly
22 United States District Judge
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